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AN ACT
RELATING TO PUBLIC SCHOOL PERSONNEL; RESTRICTING THE USE OF
TEACHER ATTENDANCE IN TEACHER EVALUATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-10A-19 NMSA 1978 (being Laws
2003, Chapter 153, Section 50, as amended) is amended to
read:

"22-10A-19. TEACHERS AND SCHOOL PRINCIPALS--
ACCOUNTABILITY--EVALUATIONS--SICK LEAVE--PROFESSIONAL
DEVELOPMENT--PEER INTERVENTION--MENTORING.--

A. The department shall adopt criteria and minimum
highly objective uniform statewide standards of evaluation
for the annual performance evaluation of licensed school
employees. The professional development plan for teachers
shall include documentation on how a teacher who receives
professional development that has been required or offered by
the state or a school district or charter school incorporates
the results of that professional development in the
classroom.

B. The local superintendent shall adopt policies,
guidelines and procedures for the performance evaluation
process. Evaluation by other school employees shall be one
component of the evaluation tool for school administrators.

A teacher's use of personal leave and up to ten days of sick

1 leave shall not affect that teacher's annual performance
2 evaluation; provided that the leave is used consistently with
3 the policy of the local school board or the governing body of
4 the charter school that employs that teacher. An annual
5 performance evaluation may reflect the lowest score with
6 respect to teacher attendance for a teacher who is determined
7 by a school district or charter school to be using sick leave
8 days in a manner inconsistent with a local school board
9 policy, charter school governing council policy,
10 administrative regulation or an applicable collective
11 bargaining agreement.

12 C. As part of the highly objective uniform
13 statewide standard of evaluation for teachers, the school
14 principal shall observe each teacher's classroom practice to
15 determine the teacher's ability to demonstrate state-adopted
16 competencies.

17 D. At the beginning of each school year, teachers
18 and school principals shall devise professional development
19 plans for the coming year, and performance evaluations shall
20 be based in part on how well the professional development
21 plan was carried out.

22 E. If a level two or three-A teacher's performance
23 evaluation indicates less than satisfactory performance and
24 competency, the school principal may require the teacher to
25 undergo peer intervention, including mentoring, for a period

1 the school principal deems necessary. If the teacher is
2 unable to demonstrate satisfactory performance and competency
3 by the end of the period, the peer interveners may recommend
4 termination of the teacher.

5 F. At least every two years, school principals
6 shall attend a training program approved by the department to
7 improve their evaluation, administrative and instructional
8 leadership skills." _____

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